

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Agriculture & Cooperation (H&S) Department -Regularization of services of Smt. Bhagyamma and (11) other Retired Field Assistants, Chittoor, Anantapuram, YSR Kadapa and Srikakulam Districts with effect from 25.11.1993 for the purpose of fixation of pay, pension and pensionary benefits as per the orders dated 28.02.2020 of Hon'ble High court of A.P in C.C.No.445/2021; 548 of 2021 and 562 of 2021 in W.P. No.4288/2020, subject to further orders in SLPs pending before the Hon'ble Supreme Court of India, New Delhi - Orders - Issued.

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AGRICULTURE & COOPERATION (H&S) DEPARTMENT

G.O.Ms.No.73.

Dated.22.10.2021.

Read the Following

1. G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated.22.04.1994.
2. G.O.Ms.No.11, Finance (HR.III) department, dated.20.01.2017.
3. Orders dated.28.02.2020 of the Hon'ble High Court, A.P., Amaravathi in W.P No.4288/2020 filed by Sri G.Appa Rao and (11) other Retired Field Assistants of various districts of Andhra Pradesh.
4. From the Commissioner of Sericulture, A.P., Guntur Lr.Rc.No.367/2020 -B3A, dated.17.06.2020.
5. C.C.No.445/2021; 548 of 2021 and 562 of 2021 in W.P No.4288 of 2020 filed by Smt Bhagyamma and (11) other Retired Field Assistants of various districts.
6. Court Proceedings dated.13.09.2021 of the Hon'ble High Court, A.P., Amaravathi in C.C.No.445 of 2021.

ORDER :

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In the G.O. second read above, orders were issued to create (726) posts in the category of Field Assistant under supernumerary basis for regularization of services of Full Time Contingent Employees working in the Sericulture Department those who have completed 5 years of service as on 25.11.1993 and continuing in the Sericulture Department. Accordingly, the eligible Full Time Contingent Employees were appointed as Field Assistants under category 12 of A.P. Last Grade Service Rules 1992, and placed on probation from the date of issuance of the said G.O. i.e. 20.01.2017.

2. Sri G.Appa Rao and (11) other Retired Field Assistants of various districts of Andhra Pradesh who were covered in G.O.MS.No.11, Finance (HR.III) Department, dt. 20.01.2017 and appointed as Field Assistants under category - 12 of A.P Last Grade Service rules, 1992 in the time scale of Rs.13000 - 40270 in RPS, 2015 was retired on different dates on attaining the age of superannuation i.e. 60 years. They have filed W.P.No.4288/2020 before the Hon'ble High Court, Amaravathi seeking directions to the respondents to regularize their services soon after completion of five years or at least w.e.f 25.11.1993 with all consequential benefits, such as, pay fixation, old pension Scheme, Revised pay scales etc.

3. The Hon'ble High Court allowed the W.P. at the admission stage and passed the following orders on 28.02.2020 referring to the orders passed in O.A.No.1740/2017 and W.P No.14940/2019.

"Hence, in terms of the said order, the condition at paragraph No.11 of G.O.Ms.No.11, Finance (HR.II) Department, dated 20.1.2017 is set aside in so far as the petitioners are concerned and he respondents are directed to regularize the services of the petitioners with effect from 25.11.1993 and on such regularization, the petitioners would be entitled for notional pay fixation and the services from that day shall be counted only for the purpose of pension and pensionary benefits and appropriate orders in this regard shall be passed within a period of three weeks from the date of receipt of a copy of this order.

The writ petition with the above direction is disposed of. As a sequel, the miscellaneous application, if any pending, shall stand closed".

4. The Commissioner of Sericulture, A.P., Guntur being the 3rd Respondent in the above W.P. has informed the petitioners vide reference 4th read above that the main case orders of Hon'ble APAT in OA No.1740/2017 and 3263/2017 and batch were challenged in W.P No.4247 of 2019 and 4994 of 2019 and were pending before the Hon'ble High court. He has also informed them that their claim will be examined basing on outcome of the judgment in W.P No.4247/2019 and 4994/2019 filed by the government.

(PTO)

5. The Hon'ble Division Bench of High Court, A.P., Amaravathi have dismissed the above W.Ps on 06.11.2020. Aggrieved by the orders of the Hon'ble Division Bench of High Court, SLPs filed before the Hon'ble Supreme Court of India, New Delhi vide SLP Nos. 011166 – 011167 of 2021, which are pending on the file of Hon'ble Supreme Court of India.

6. The petitioner's in W.P. have filed C.C.No.445/2021; 548 of 2021 and 562 of 2021 in W.P No.4288/2020 before the Hon'ble High Court, A.P., Amaravathi for non – implementation of the above Hon'ble High Court orders. The Contempt Case No.445/2021 came up for hearing on 13.09.2021 and the Hon'ble Court has posted the Contempt Case on 25.10.2021 for personal appearance of the Respondents No.1,2 & 3 i.e., Principal Secretary to Finance (HR III) Secretariat A P, Velagapudi Guntur District Special Chief Secretary to the Government of Andhra Pradesh Agriculture and Cooperation Sericulture Dept Secretariat A P Velagapudi Guntur District and Commissioner of Sericulture Government of Andhra Pradesh Vijayawada Krishna District.

7. After careful examination of the entire issue and to avoid further legal complications, and Government have decided to Implement the orders of Hon'ble High Court A.P., dated.28.02.2020 in W.P No.4288/2020 and hereby order to regularize the services of petitioners i.e., Smt Bhagyamma and (11) other Retired Field Assistants, Chittoor, Anantapuram, YSR Kadapa and Srikakulam Districts with effect from 25.11.1993 notionally in terms of G.O.Ms.No.212, Finance & Planning (FW.PC.III) department, dated.22.04.1994, for the purpose of pay fixation, pension and pensionary benefits subject to further orders in SLPs pending before the Hon'ble Supreme Court of India, New Delhi and other SLPs pending in the similar matter.

8. This orders/relief being extended only to the incumbent petitioner mentioned in the above W.P and not being treated as a precedent to be extended to any person/persons claiming to be similarly situated.

9. The Commissioner of Sericulture, Andhra Pradesh, Guntur shall take necessary action in the matter, accordingly.

10. This order issues with the concurrence of Finance Department vide their U.O.No.HROPDPP/46/2021, dated 21-10-2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

POONAM MALAKONDAIAH
CHIEF COMMISSIONER RBKS &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Sericulture, Andhra Pradesh, Guntur.
The individual concerned through the Commissioner of Sericulture, A.P., Guntur
The Director of State Audit Department, Andhra Pradesh.
Finance (HR.I-Plg,& Policy) Department.

Copy to:

The Government Pleader for Services-I, A.P.High Court Buildings, Nelapadu
P.S to Hon'ble Minister (Agrl.& Coop)
P.S to Chief Commissioner RBKS & Spl.C.S to Govt., Agrl.& Coop Dept.,
P.S to Prl.Secy.to Govt., Finance Dept., A.P Sectt.
P.S to Secy. to Govt., Finance (HR.I) Dept., A.P Sectt.
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER